

**ADDENDUM No. 1 TO FACT SHEET**  
**Permit No. WA-003205-1**  
**King County, Department of Natural Resources and Parks,**  
**Wastewater Treatment Division**

The fact sheet for the original Washington State Individual Construction Stormwater NPDES Discharge Permit No. WA-003205-1 was issued on January 31, 2005. King County submitted a request to have their permit modified on February 14, 2006. The following revisions are made as major modifications.

**PROPOSED MODIFICATION FOR THE PERMIT**

On page 2 of the construction stormwater NPDES permit, Outfall 002S/002G is identified as permitted discharges to surface water (Little Swamp Creek/Swamp Creek – 002S) and to ground water (002G) at the North Kenmore Portal Site. King County requested that three additional discharge locations be added for the North Kenmore Portal Site. These new discharge locations are associated with treatment facilities that are proposed for use during construction. The application process anticipated that additional discharge locations for treatment facilities would not be finalized until the final design stage. Thus, the request to add these additional discharge locations was made recently to address the final design.

The additional discharge locations/outfalls (with suffixes “a”, “b”, and “c”) and associated latitudes and longitudes are as follows.

Outfall 002aS/002aG	Latitude 47° 46' 10"	Longitude 122° 13' 58"
Outfall 002bS/002bG	Latitude 47° 46' 9"	Longitude 122° 13' 57"
Outfall 002cS/002cG	Latitude 47° 46' 2"	Longitude 122° 13' 59"

The effluent limitations, as indicated on page 9 of the permit, and the monitoring requirements, as shown on page 12 (Table C.1 Discharges to Surface Waters) and page 13 (Table C.2 Discharges to Ground Waters) apply to these new discharges. This is consistent with the effluent limitations and monitoring requirements for the existing Outfall 002S/002G at the North Kenmore Portal Site.

**PUBLIC NOTICES**

The proposed changes in this permit are considered to constitute a major modification under 40 CFR 122.63. Thus, the changes made in the above-referenced permit are required to be published for a thirty (30)-day public review and comment period. A Public Notice of Modification (PNOM) was published on April 27, 2006, in the *Seattle Times/Post-Intelligencer* and *Everett Herald* to inform the public that a draft modification to the permit and the fact sheet were available for review. Interested persons were invited to submit written comments regarding

the draft modification. The draft modification to the permit, fact sheet, and related documents were available for inspection and copying between the hours of 8:00 am and 5:00 pm weekdays, by appointment, at the regional office listed below.

Water Quality Permit Coordinator  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

Any interested party was allowed to comment on the draft permit modifications or request a public hearing on the draft permit modifications within the thirty (30)-day comment period to the address above. The request for a hearing should have indicated the interest of the party and reasons why the hearing is warranted. The Department received a single request for a public hearing but decided to not hold a public hearing for the reasons stated in the below section entitled, "Responsiveness Summary to Permit Modification."

The Department considered all comments received within thirty (30) days from the date of the draft Public Notice of Modification indicated above, in formulating a final determination to issue, revise, or deny the permit modification. The public comment period for the modifications to the permit and fact sheet ended on May 30, 2006. The Department's response to all comments received is described in the below section entitled, "Responsiveness Summary to Permit Modification."

Further information may be obtained from the Department by telephone, (425) 649-7103, or by writing to the address above. The modifications to the permit and the fact sheet were written by Mark C. Henley, PE.

### **Responsiveness Summary to Permit Modification**

The Department received six e-mails and various attachments from the Sno-King Environmental Alliance (SKEA) on May 29, 2006, and May 30, 2006. As stated above, the permit modifications involved adding three additional discharge locations at the North Kenmore Portal as part of the Conveyance System project. The comments received from SKEA related to seismic concerns. SKEA's comments failed to discuss the subject of the permit modifications, namely, the inclusion of three additional discharge locations. Per the Code of Federal Register (40 CFR 122.62), it is stated, "When a permit is modified, only the conditions subject to modification are reopened."

In regard to seismic issues and the construction stormwater NPDES permits for the Brightwater project, Ecology notes that the Pollution Control Hearings Board (PCHB) previously addressed these issues and ruled in favor of the respondents (King County and the Department of Ecology) when it issued a Summary Judgment (PCHB Nos. 05-030, 05-059) and an Order Denying SKEA's Request for Reconsideration.

Ecology received only a single request for a public hearing from the general public and these comments were not specific to the permit modification, but rather dealt with seismic issues already addressed and resolved by the PCHB. Ecology has therefore determined that there is no public interest of significance and a public hearing will not be held concerning this permit modification in accordance with WAC 173-220-090, the rule on Public Hearings.